

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK  
ROCHESTER DIVISION

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In re:

Vincent L. Moore, Sr.,

Debtor

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**NOTICE OF MOTION**  
Case No.: 19-20344-PRW  
Chapter 13

PLEASE TAKE NOTICE that a hearing will be held before the Honorable Paul R. Warren, Bankruptcy Judge, on **February 6, 2020 at 10:00 a.m.** at the United States Bankruptcy Court, 100 State Street, Rochester, NY 14614 to consider the motion filed by the Chapter 13 Trustee, George M. Reiber, seeking (1) dismissal of the above titled case and (2) such other and further relief as the Court may deem just and proper.

Dated this 7<sup>th</sup> day of January, 2020  
Rochester, New York

/s/  
George M. Reiber  
Chapter 13 Trustee  
3136 S. Winton Road  
Rochester, NY 14623  
(585) 427-7225

To: Vincent L. Moore, Sr.,  
George Mitris, Esq.  
Cara Goldstein, Esq.  
United States Trustee

**NOTICE REGARDING ADJOURNMENT POLICY:**

**Please be advised the Trustee will NOT consent to adjourn this motion unless (1) opposition is timely filed; or (2) an agreement to adjourn between the parties is reached on or before three (3) business days prior to the motion's return date and filed with the Court. Ultimately, all adjournments are granted at the discretion of the Court.**

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**MOTION TO DISMISS**  
Case No.: 19-20344-PRW  
Chapter 13

**George M. Reiber, Chapter 13 Trustee, respectfully moves this Court for a dismissal of the above titled case pursuant to 1307(c)(1) and Fed. R. Bankr. P. 1017 for unreasonable delay, and U.S.C. § 1307(c)(5) because confirmation of the plan was denied.**

**In support of this motion, the Trustee alleges as follows:**

**1. On April 12, 2019 the Debtor filed a voluntary petition commencing a case under Chapter 13 of the Bankruptcy Code. On the same day a Chapter 13 repayment plan was filed. The repayment plan stated that the voluntary plan payment would be \$1,200 monthly for a 60-month term. The plan also stated that the term of the plan would start as of confirmation and all plan payments prior would be added to the plan.**

**2. On December 2, 2019 the Confirmation hearing was held and confirmation was denied. An Order Denying Confirmation was signed December 5, 201**

WHEREFORE, the Trustee respectfully requests that the Court:

- A. dismiss the above titled case for the reasons set forth above; and
- B. grant any other relief as the Court deems just and proper.

Dated this 7<sup>th</sup> day of January, 2020  
Rochester, New York

/s/  
George M. Reiber  
Chapter 13 Trustee  
3136 S. Winton Road  
Rochester, NY 14623  
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**CERTIFICATE OF SERVICE**

Case No.: 19-20344-PRW

Chapter 13

I certify that on January 7, 2020, I served a copy of the Motion to Dismiss pursuant to 11 U.S.C. Section 1307, the Notice, along with Proposed Order, by First Class United States Mail, with adequate postage to ensure delivery to the following:

Vincent L. Moore, Sr.,  
70 Costar Street  
Rochester, NY 14608

United States Trustee  
100 State Street, Room 6090  
Rochester, NY 14614

George Mitris, Esq.  
2080 West Ridge Road  
Rochester, NY 14626

Cara Goldstein, Esq.  
Attorney for EB 1 and EB2 Eminy  
401 Franklin Avenue  
Garden City, NY 11530

/s/ \_\_\_\_\_  
Donna M. Sheesley